

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**PENNYMAC LOAN SERVICES, LLC**

**PLAINTIFF**

**VS**

**CIVIL ACTION NO.: 2:19-CV-00193-KS-MTP**

**SITCOMM ARBITRATION ASSOCIATION,  
MARK MOFFETT, SANDRA GOULETTE,  
RONNIE KAHAPPEA, MARK JOHNSON,  
KIRK GIBBS, and ALARIC SCOTT**

**DEFENDANTS**

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**PLAINTIFF'S MOTION FOR VOLUNTARY DISMISSAL PURSUANT TO F.R.C.P.  
41(a)(2)**

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COMES NOW the Plaintiff, PennyMac Loan Services, LLC ("PennyMac" or "Plaintiff"), by and through counsel, and files this Motion for Voluntary Dismissal of the claims asserted against the unserved Defendant Alaric Scott, pursuant to F.R.C.P. 41(a)(2), showing unto the Court the following:

1. PennyMac instituted this action on December 12, 2019, by filing its Complaint for Declaratory Judgment, Injunctive Relief, Libel, Tortious Interference with Contract, Simple Conspiracy, Violation of Federal Civil RICO 18 U.S.C. §1962(c), Conspiracy to Violate Federal Civil RICO 19 U.S.C. §1962(d), and to Vacate Arbitration Award. D.E. 1, 12/11/2019. PennyMac's Complaint names as Defendants Sitcomm Arbitration Association, Mark Moffett, Sandra Goulette, Ronnie Kahapea, Mark Johnson, Kirk Gibbs, and Alaric Scott. D.E. 1, 12/11/2019.

2. To date, PennyMac has served all named Defendants, with the exception of Alaric Scott.

3. At the Case Management Conference on June 18, 2020, PennyMac advised the Court

that it had been unable to serve the Defendant, Alaric Scott.

4. Accordingly, PennyMac moves this Court, pursuant to F.R.C.P. 41(a)(2), requesting this Court dismiss PennyMac's cause of action against the unserved defendant, Alaric Scott, only, with said dismissal to be without prejudice.

5 Because of the simple and self-explanatory nature of this Motion, PennyMac requests that it be relieved of the requirement of filing a supporting memorandum pursuant to L.U.Civ. R. 7(b)(2).

6. PennyMac submits its proposed Order granting this Motion as Exhibit A, attached hereto.

7. Accordingly, PennyMac respectfully requests this Court to enter the Order attached hereto as Exhibit A, or an Order in such form as pleases the Court, dismissing PennyMac's causes of action against the unserved defendant, Alaric Scott, only, with said dismissal to be without prejudice.

RESPECTFULLY SUBMITTED this the 6<sup>th</sup> day of July, 2020.

UPSHAW, WILLIAMS, BIGGERS,  
& BECKHAM, LLP

By: /s/ Harris F. Powers III

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**CERTIFICATE OF SERVICE**

I, Harris F. Powers III, hereby certify that the foregoing were served by U.S. Mail, Return Receipt Requested to the following:

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SO CERTIFIED this the 6<sup>th</sup> day of July, 2020.

s/ Harris F. Powers III  
HARRIS F. POWERS III